



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of

: **Mail Stop: AF**

Hiroya OKUMURA et al.

: Docket No. 2001_1255A

Serial No. 09/950,081

: Group Art Unit 1745

Filed September 12, 2001

: Examiner Mark Ruthkosky

SEPARATOR FOR SOLID POLYMER TYPE
FUEL CELL AND PROCESS FOR PRODUCING
THE SAME

Confirmation No. 1556

PATENT OFFICE FEE TRANSMITTAL FORM

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of **\$120.00** to cover Patent Office fees relating to filing the following attached papers:

Petition for Extension of Time \$120.00

Other: \$

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Hiroya OKUMURA et al.

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
September 27, 2005

[Check No. 70350]
2001_1255A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1556**
Hiroya OKUMURA et al. : Docket No. 2001_1255A
Serial No. 09/950,081 : Group Art Unit 1745
Filed September 12, 2001 : Examiner Mark Ruthkosky

SEPARATOR FOR SOLID POLYMER TYPE
FUEL CELL AND PROCESS FOR PRODUCING
THE SAME

Mail Stop: AF

RESPONSE UNDER 37. CFR 1.110

EXPEDITED PROCEDURE

EXAMINING GROUP 1745

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Official Action dated May 27, 2005, the time for responding thereto being extended for one month in accordance with a petition for extension submitted concurrently herewith.

Reconsideration is respectfully requested in view of the following remarks and the Second Rule 132 Declaration of Mr. Takabatake enclosed herewith.

Initially, Applicants and their undersigned representative wish to express their sincere thanks to Examiner Ruthkosky and Supervisory Examiner Ryan for their courtesy and assistance provided to the Applicants' representative during the personal interview held on July 21, 2005. During the interview, it was agreed that a further experiment would be conducted to clearly demonstrate the unexpected superiority and distinctness of the claimed resin composition over the composition of Butler '308. The Examiner also further kindly indicated that the further experiment would be considered in this application without the need to refile the application.

The experiment proposed by the Examiner has been faithfully conducted. In a telephone conference with the Examiner on August 24, 2005, the Examiner indicated that a suitable comparison is the claimed invention to any Butler composition containing Resin E, F or G. Accordingly, a comparison has been conducted with the composition of Example 23648 discussed in the Interview Summary dated July 13, 2005 which composition contains Resin G. Please note that some of the materials used in Example 23648 were difficult to obtain, so closely comparable materials were used in their stead. These substitute materials are discussed in the Declaration.

The enclosed Declaration clearly demonstrates that the resin composition of the claimed invention is remarkably different from that of Butler '308. Moreover, the enclosed Declaration clearly demonstrates that the molded product obtained from the resin composition of the claimed invention is remarkably superior in having a 3 times lower volume resistivity (i.e. higher electrical conductivity) when compared with the molded product obtained using the Butler '308 resin composition. Such superior high electrical conductivity of the claimed resin composition offers important commercial advantages since high electrical conductivity is an important property in certain products molded from the resin such as separators for fuel cells. See page 1, lines 22-25; page 3, lines 4-7; page 24, lines 11-26; and page 26, line 20 to page 27, line 6.

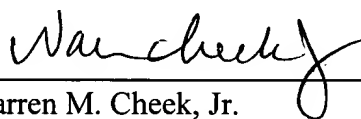
Accordingly, the rejection of claims 1-8 and 10-18 under 35 USC 102 as anticipated by U.S. 6,251,308 to Butler is deemed to be overcome. The foregoing experiment clearly demonstrates that the claimed resin composition is clearly different in its physical characteristics from that of Butler '308. Both the first Rule 132 Declaration of record and the enclosed Second Rule 132 Declaration clearly demonstrate the differences between the present composition and the composition of Butler. Butler's kneaded composition is a coarse particulate. In contrast, the claimed pressure kneaded composition is clay-like or viscous. Further, the molded plate formed from the claimed composition is wholly homogenous, while the molded plate formed from the Butler's composition is not homogenous. Moreover, the Second Rule 132 Declaration proves that the molded product obtained from the claimed composition has remarkably superior properties when compared with the molded product of Butler '308.

Therefore, it is respectfully submitted that the subject matter of claims is novel in the light of the reference. Further, since the reference fail to teach the unexpected superior properties of the claimed invention, the claimed invention would not be obvious under 35 USC 103 from the cited reference.

Accordingly, it is believed that the application is now in condition for allowance, and such allowance is respectfully solicited.

Respectfully submitted,

Hiroya OKUMURA et al.

By: 
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 27, 2005